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Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

II. Insecurity in Darfur

2. The conflict that has plagued the three Darfur States of the Sudan since early 2003 did not ease during the month of March. Indeed, some positive trends that were evident in February have apparently stalled, or been slightly reversed, since my last report. Violent confrontations took place between the rebel movements and Government forces, who were operating jointly with armed tribal militia, or at least in the same area at the same time and towards the same general goals. Attacks and threats against humanitarian workers and supplies also remain a major concern. Members of the African Union Mission in the Sudan (AMIS) also came under fire. Banditry, looting and hijacking of vehicles increased during the reporting period, with consequences for the safety of all travellers and the delivery of relief supplies. However, although civilians continued to be targeted by armed groups, reports of attacks on villages decreased somewhat in March.

3. During the reporting period the principal rebel groups, the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), fought with the Government army and/or Janjaweed on at least seven occasions. In the most recent, on 26 March, Government troops and tribal militias attacked SLM/A positions near a cluster of villages roughly 80 kilometres north-east of Nertiti in Western Darfur.

4. The third armed rebel group in Darfur, and normally the least active militarily, the National Movement for Reform and Development (NMRD), was also involved in fighting with Government forces in Western Darfur following a Government ultimatum that NMRD withdraw from the Jebel Moon area north of Geneina to areas further north, near Tine on the border with Chad. NMRD, which is not a party to the Humanitarian Ceasefire Agreement, refused, which prompted a violent response from the Government. The fighting continued for a number of days and resulted in an undetermined number of casualties, which included civilians. Since

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tensions and the prospect of renewed fighting remain high, a thorough assessment of the impact on civilians has not yet been possible.

5. The increased intensity of the fighting in Western Darfur raises concerns that the Government continues to pursue its objective of securing control over the Jebel Moon and Jebel Mara regions, despite the human costs such a campaign into the heart of rebel territory would entail. This disregard by the parties to the conflict for the ceasefire commitments they have undertaken in various agreements remains an obstacle to any effort to find a political solution to the crisis.

6. The month of March witnessed continued attacks on civilians, albeit to a somewhat lesser extent than in February. Reports of Janjaweed attacks against villages were received throughout the month. The first alleged raid took place on the villages of Sula and Bala Farak, 60 kilometres east of Geneina, during the night of 4-5 March and reportedly resulted in at least one civilian death. The last was the suspected Janjaweed assault on the village of Doli, near Zalingei, Western Darfur, on 26 March, which the African Union reports killed two and wounded three people.

7. SLM/A has likewise been implicated in a number of attacks against civilians in March, including its raid on the village of Haraza, south-west of Nyala, Southern Darfur, on 17 March, which resulted in three dead and six wounded. At the end of the reporting period, JEM reportedly attacked the village of Rahad El Fate in Southern Darfur, where AMIS confirmed two killed and one wounded in the course of the raid. SLM/A also attacked the village of Wazazen, also in Southern Darfur, leading to the deaths of two villagers and the wounding of three others.

8. One very important step that the parties can take towards offering the civilian population greater security would be to increase the number of locations where the parties withdraw or do not re-enter so that AMIS can establish a presence. As I reported last month, the Government withdrew from Labado, the first of four villages it had committed itself to vacating during the February meeting of the Joint Commission, and the rebels did not move to reclaim the position. Instead, AMIS deployed a small force, as requested by the parties, to act as a stabilizing, full-time buffer between the parties in that particular locale. That case has proved to be a positive development and AMIS will assume a similar role following the Government's decision to vacate Gereida. Nevertheless, I am concerned that AMIS is so overstretched that it will not be able to establish and maintain a full-time presence in even the small number of villages the Government has been willing to withdraw its forces from, or in additional areas in the near future.

9. I am troubled by the rash of attacks during March on international personnel operating in Darfur. Three incidents stand out because of the apparent intent to do harm to, or kill, those who have come to help the people of the Sudan. First, on 8 March, suspected Janjaweed fighters fired on AMIS troops guarding a military observer campsite in Sarifumra, Northern Darfur. No injuries were reported, but the perpetrators fired at least two shots that pierced a tent in the campsite. Second, on 22 March, two employees of the United States Agency for International Development (USAID) suffered injuries, one of them seriously, during an apparent ambush on their convoy of clearly marked vehicles on the road from Nyala to Kass in Southern Darfur. The third incident occurred on 29 March when an AMIS patrol dispatched to investigate reports of a clash north-east of Nyala came under fire. One of the African Union military observers was shot in the neck and two other occupants of the vehicle suffered facial injuries from the shards of glass that filled

the cabin after the bullet shattered a window. Early indications point to an ambush, adding to the growing fear that these are more than isolated incidents.

10. The concern that international personnel in Darfur might now be under an increasing threat of violence led, inter alia, to the decision to relocate all United Nations staff in Western Darfur to Geneina between 10 and 19 March. Information received by United Nations officials suggested that the growing tensions between various parties in the State would place humanitarian staff at risk of being caught in the crossfire or directly targeted.

11. Specific and implied threats made against international staff in Western Darfur and the first case of a United Nations vehicle being stopped and robbed, on 10 March, also in Western Darfur, are worrying enough on their own. But these apparently localized incidents can be interpreted in a more threatening light when placed in a broader context. Public statements made by high-ranking Government officials, on the risks to international personnel should the international community move to arrest and prosecute Sudanese citizens outside of the Sudan for war crimes, have linked the prospect of action on the report of the Independent Commission of Inquiry to an increasing threat to the safety of international staff throughout Darfur. The possibility cannot be excluded that those who may believe that they are on the Commission's sealed list of war crimes suspects will resort to direct attacks against the United Nations, international non-governmental organizations and other international personnel, or will try to destabilize the region more generally through violence. The United Nations Mission in the Sudan (UNMIS) will continue to monitor and analyse the situation closely.

III. Protection of civilians in Darfur

12. The protection of civilians continues to be a major concern in Darfur. Throughout March, there were cases of attacks on civilians in villages and on the roads, particularly in Southern and Western Darfur, ill-treatment of civilians, torture, sexual and gender-based violence and child protection concerns, including abductions. Security in and around camps for internally displaced persons remained unstable, with cases of harassment of civilians by armed militias, particularly of women and girls who ventured out of the camps.

13. Kalma camp saw continued harassment and intimidation of internally displaced persons, as well as random night shootings by the police. During the week of 31 March, a 17-year-old girl who had been raped was forcibly removed by police from the clinic where she had received medical treatment and transported to Nyala hospital against her will.

14. The gravity of sexual and gender-based violence in Darfur was highlighted in an important and thorough report released on 8 March by the non-governmental organization Médicins Sans Frontières. According to the report, 500 rape victims were treated in the region between October 2004 and February 2005. This figure is all the more shocking when set against the reality that many survivors of sexual and gender-based violence do not seek treatment, owing both to the social stigma attached to rape and fear of negative repercussions. Human rights observers have documented several cases of survivors, their family members and community leaders who came forward to seek justice only to face serious problems, including intimidation by various governmental entities. It was also shocking to learn from

agencies on the ground that there is a widespread practice of counter-prosecution against rape victims. In Bindisi, for example, several pregnant victims of rape were detained on charges of adultery and, although eventually released, they were beaten and sexually assaulted while in detention. This not only discourages victims of sexual and gender-based violence and others from registering their complaints with the local police but adds to the climate of impunity characterizing this issue. It is unconscionable that further suffering is inflicted on women and girls who have endured such heinous crimes; it is all the more unconscionable when this suffering is inflicted by the very authorities who are responsible for their protection. I urge the competent Sudanese authorities to investigate these reports as a matter of priority.

15. The proposed establishment in Southern Darfur of a committee for combating sexual violence, announced in the Governor's decree of 6 March, is a welcome acknowledgement by the local government of the gravity of this problem and of the need to improve the authorities' response. The United Nations has raised concerns with the local authorities in respect of the mandate of the committee and has suggested ways in which the committee could work to ensure that issues related to sexual violence are addressed in a comprehensive manner. The United Nations has also agreed to participate as an observer in the committee, in order to bring concerns to the attention of the committee and to provide advice on improving the response, should the mandate be amended. The need to bring to justice the perpetrators of these crimes and to end the climate of impunity has been stressed repeatedly, and the United Nations stands ready to support all genuine efforts by the Government to do so.

16. A three-day joint visit to Darfur by the Government and the United Nations to disseminate and raise awareness of the amended circular on the treatment of rape victims was successfully concluded on 24 March. The mission clarified that survivors of gender-based violence are entitled to receive medical treatment, whether or not they have completed forms required by local courts that document a victim's injuries and serve as medical evidence of the injuries and/or rape. The mission further clarified that medical personnel in clinics or hospitals, including all clinics operated by non-governmental organizations, are entitled to provide medical assistance in the absence of this paperwork, known as Form 8, without any fear of negative consequences. The Government initially limited the number of medical clinics authorized to fill in the requisite legal forms, but in subsequent contacts the Government has shown flexibility on this issue.

17. While attacks on women and girls collecting firewood remain of serious concern, increased cooperation between the humanitarian community and AMIS in March has led to improved protection. Patrols by AMIS monitors and civilian police along firewood collection routes, based on information provided by humanitarian agencies, have decreased the levels of harassment experienced by women and girls, for example outside the Zalingei camps. Similar patrols are conducted outside other camps in Darfur, and efforts to expand these patrols are ongoing.

18. The population displacements, breakdown in family and social structures and increasing poverty accompanying the Darfur emergency have left some children without the protection of their families and vulnerable to abuse and exploitation. In Riyad camp in Western Darfur, for example, United Nations agencies and non-governmental organizations have created a temporary shelter for children

without caretakers, who are living with elderly relatives without any income or who have been subjected to abuse, including involvement in prostitution. This shelter is a temporary measure until the children's families are traced or better family placement opportunities are identified. The number of abused and exploited children is likely to grow, and the risk of resorting to institutionalization for children without primary caregivers is increasing. Research is currently being conducted in Western Darfur in an effort to better understand how communities respond to the challenge of supporting separated children and elderly people living together.

19. It is also important to address property rights and related issues before greater numbers of displaced civilians voluntarily return to their places of origin. There are concerns, for example, about problems associated with non-owners squatting on land belonging to people who have been displaced, thereby making it more difficult, and potentially dangerous, for the displaced to return home.

20. The subcommittee of the Joint Implementation Mechanism on protection and human rights held its third meeting on 10 March 2005 and discussed the follow-up to the killings in Hamada, the detention of a prominent Sudanese human rights activist (who has since been released), access to detainees, and involuntary and inappropriate returns of internally displaced persons by the Committee for the Eradication of the Abduction of Women and Children. Although the Government launched an investigation of the killings in Hamada, no progress has been made so far in the investigation and none of those suspected of carrying out the attacks has been arrested.

21. Of 51 authorized human rights observers, 18 have been deployed to Darfur (with back-up from three additional monitors in Khartoum), in addition to 10 United Nations Volunteers. Fifteen observers are under recruitment and the search for suitable candidates for the remaining 15 posts continues. The human rights officers based in the Darfur region monitor cases of human rights abuses, liaise with local authorities including police and prosecutors, and monitor trials. By and large, local authorities have been cooperating with human rights monitors. The Government, however, continues to deny human rights officers access to certain places of detention. An agreement on access issues has not been formalized, although it has been requested both by the United Nations High Commissioner for Human Rights and in the meetings of the subcommittee of the Joint Implementation Mechanism on protection and human rights.

22. Human rights observers are documenting a number of cases of torture and ill-treatment of civilians who have been arbitrarily arrested by security forces and often detained incommunicado. There are shocking, but as yet unconfirmed, reports of an unofficial detention centre at the headquarters of the Sudanese army in Nyala. There has also been a case of death in detention through injuries consistent with torture in Al Fasher. The Government of the Sudan must ensure that the rights of detainees, particularly their personal and physical integrity, are upheld and respected. All unofficial places of detention should be investigated by the Government and if proved to exist should be immediately closed. All detainees must either be immediately released or charged with a recognizable offence.

IV. Humanitarian situation in Darfur

23. The number of conflict-affected persons increased slightly from 2.4 million in February to 2.45 million in March, owing mostly to new registrations and assessments. The population of the camps for internally displaced persons remained steady at 1.86 million as of 1 March. It is hoped that the Darfur-wide mass registration campaign spearheaded by the World Food Programme (WFP) and the International Organization for Migration (IOM), which commenced in Kutum town, Northern Darfur, on 1 March, will further improve registration and allow for better targeting of beneficiaries. The apparent stabilization of the number of conflict-affected persons reflects the concentration of serious security incidents in relatively small areas. However, the depletion of coping mechanisms has led to food shortages in more remote areas, particularly in Northern Darfur. As a result, rural populations are in some cases beginning to move into gatherings of the displaced. In March, a small but noticeable number of people — about 2,000 — arrived in Abu Shouk and Zam Zam camps, citing food shortages in addition to insecurity as reasons for their displacement. This is a worrying trend, suggesting that the drought could seriously affect the livelihoods of hundreds of thousands of people.

24. A somewhat mixed picture emerged in March in terms of humanitarian assistance and access to affected populations. Assistance is reaching an increasing number of conflict-affected persons in camps for the displaced. Agencies in all three Darfur States have started to engage with neglected nomadic communities, and access to remote locations has been increasingly possible.

25. Food assistance reached a record number of people, approximately 1.7 million, during the month of February. The release of the backlog of food stock that accumulated in Port Sudan in January owing to Darfur-wide insecurity largely explains this increase. After having reached 1.5 million people in December, food aid had reached only about 1.2 million in January.

26. Clean water was provided to 58 per cent of the affected population in February, compared to 56 per cent the previous month, while non-food items were provided to 80 per cent of the needy population. Sanitation interventions covered approximately 70 per cent of the needs in both January and February. Seventy per cent of the affected population had access to primary health care facilities and basic drugs in both January and February. Also, assistance resumed in some locations which had once been beyond the reach of agencies because of security concerns. Labado, Southern Darfur, which had been the scene of heavy fighting in December and January, saw the return of some 12,000 internally displaced persons and residents after the African Union established a presence in the wake of the Government's withdrawal.

27. Humanitarian workers have also gained access to several remote areas of Darfur to assist drought- and conflict-affected persons. Such interventions, in addition to meeting immediate needs, help prevent future displacement. Access to SLA-held Dar Zagawa, in Northern Darfur, which was halted for three weeks owing to the absence of a reliable SLA interlocutor to carry out the notification procedure, resumed after a meeting with a new SLA interlocutor on 18 March. In Southern Darfur, agencies travelled to areas around Ed Da'ein to assess the needs of the resident population. Initial assessment results suggest a poor humanitarian situation, as exemplified by the preliminary results of a nutritional survey conducted by

Tearfund, a non-governmental organization, in four gatherings of internally displaced persons. This survey indicates global malnutrition rates of over 20 per cent and severe acute malnutrition rates of around 4 per cent.

28. Preparations have begun to conduct a World Health Organization-commissioned mortality survey throughout the region following clearance from the Government. The survey, tentatively scheduled to commence towards the end of April, will provide important information on which parts of Darfur require additional support.

29. While the quality and quantity of humanitarian assistance has improved across Darfur, incidents targeting humanitarian supplies and personnel on major roads have rendered the movement of supplies erratic and inconsistent, affecting crucial assistance to beneficiaries. A peak in the number of attacks on commercial trucks used by WFP was reported in March, especially on the two major road routes into Darfur. A sizeable proportion of these security incidents have been carried out by SLA elements; the balance are attributable to bandits or militias. The United Nations is working with the African Union to address this problem. The Government of the Sudan also took steps to move in convoy from Ed Da'ein to Nyala a backlog of 250 trucks that had built up because of the insecurity. My Special Representative and his staff continue to engage with SLA, tribal leaders and the Government to ensure that they take active steps to support humanitarian assistance and ensure the safety and security of all humanitarian staff and supplies.

30. Government authorities at the national and local levels have increasingly been harassing humanitarian organizations and thus constraining the provision of humanitarian assistance. Of particular concern have been significant and increased delays in providing visas, especially for non-governmental organizations, who must sometimes wait six to eight weeks for single-entry visas. False and hostile accusations against humanitarian workers through national media outlets have been compounded by a series of arrests of humanitarian workers. March saw the arrest or detention of two more international staff working for an international non-governmental organization. These detentions have normally been on specious grounds, and have followed attempts by non-governmental organizations to document the rapes of internally displaced persons, to follow up on protection incidents, or provide humanitarian assistance in SLA areas. While relations in Western and Northern Darfur between the local authorities and the humanitarian community are generally good, detentions of humanitarian staff have repeatedly occurred in Southern Darfur. This suggests a deliberate targeting and intimidation of non-governmental organizations in Southern Darfur by some local authorities. In Southern Darfur, four international non-governmental organizations now have international staff who have been detained and then released on bail, charged with "crimes against the State" or "aiding rebellion". These charges against humanitarian workers have not been substantiated. Such detentions should be considered as impediments to humanitarian assistance, and are unacceptable.

31. A series of highway robberies targeting humanitarian goods and personnel in several areas has also caused localized difficulties for both agencies and displaced populations. The suspension of movement on roads outside Geneina town between 10 and 19 March temporarily affected assistance to more than 330,000 beneficiaries. Although most of the roads were cleared on 19 March, all areas north of Sirba are still classified as no-go areas for United Nations agencies. This affects the provision

of assistance to approximately 96,000 people. In Southern Darfur, the attack on a convoy of the International Rescue Committee and USAID that occurred on 22 March on the road between Nyala and Kass, resulting in serious injury to a USAID staff member, led to the closure of the regularly used Nyala–Kass road for United Nations traffic until further notice.

32. Funding requirements for the Darfur operations outlined in the United Nations 2005 work plan for the Sudan are 42 per cent covered. Of the total required amount of $675 million, an estimated $516 million was needed by the end of March to effectively meet the needs in Darfur. As of mid-March, $291 million had been provided towards Darfur activities outlined in the work plan, equivalent to 56 per cent of the estimated requirements by the end of March. Almost 88 per cent of the contributions were in the form of food aid, mostly in-kind cereals, leaving other food requirements and most other critical sectors heavily underfunded. I again appeal to donors to meet these requirements without further delay.

V. Return and relocation

33. There were no reports of forced return or relocations during the reporting period, and cooperation with the authorities has been positive in most cases. In Southern Darfur, agencies continue to encounter obstacles to the relocation of some of the internally displaced persons in the overcrowded Kalma camp. Local authorities recently rejected a site previously identified by the authorities, the displaced and international agencies as a viable site. Efforts continue to work with the authorities in identifying locations for voluntary relocation, and IOM is coordinating the assessment of two new sites.

34. In Northern Darfur, technical complications related to water supplies have delayed the relocation of some 25,000 displaced persons currently in Abu Shouk. A third site was identified during the week of 20 March with very positive collaboration from Government authorities.

35. In Western Darfur, a workshop was held in Geneina on 2 and 3 March to discuss a Government plan presented in late November 2004 to rehabilitate 76 war-affected villages. Prior to the workshop, an inter-agency humanitarian team, led by the Office of the United Nations High Commissioner for Refugees, had assessed these villages and presented its findings at the workshop. The team recommended support for seven of the 76 villages proposed by the Government and identified three additional villages for further assessment and possible support. The modest number of villages recommended for immediate assistance and identified for further assessment reflects the fragile security environment in many parts of the State.

VI. Darfur peace process

36. During the last month, the African Union has continued its efforts with the parties to the Darfur conflict in search of a framework for a political settlement. Past experience has demonstrated that thorough preparatory work is necessary for the success of direct talks between the parties. A draft framework agreement prepared by the mediation team is now being reviewed by the parties, who are expected to communicate their reactions to the African Union soon. Depending on the

responses, the African Union will decide on the usefulness of convening a new round of talks in Abuja, probably towards the end of April.

37. My Special Representative for the Sudan has been engaged in talks with the parties, including the rebel movements, in order to assist the process led by the African Union. Early in March, he travelled to Asmara together with his Principal Deputy to meet with the President of Eritrea, Isaias Afwerki, and the leadership of SLM/A and JEM. This series of meetings revealed a strong consensus that the Abuja peace process must remain the primary forum for negotiations, and that all other processes should play supporting roles. The movements' leaders repeated their publicly stated position that the judicial process called for by the Commission of Inquiry to hold accountable those responsible for the atrocities in Darfur must move forward either in advance of or in step with the political negotiations seeking an end to the conflict. I trust that with the adoption, on 31 March, of Security Council resolution 1593 (2005), which refers the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court, the rebel movements will return their focus to the political arena while this new judicial process is initiated.

38. On 27 March, my Special Representative met with the First Vice-President of the Sudan, Ali Osman Taha, to discuss the meetings in Asmara and the Darfur peace process more generally. The Vice-President took note of his message that the rebel groups are prepared to return to the negotiating table and briefed him on reconciliation efforts at the level of traditional tribal leaders. My Special Representative, while commending the Government's reconciliation efforts with all segments of society in Darfur, encouraged the Government to engage with the rebel movements in serious dialogue at the same time. Vice-President Taha assured him that the Government remains committed to a positive outcome of the Abuja talks.

39. On the ground, the Joint Commission is discussing means and conditions of dispatching a team to Darfur in order to verify the positions held by the parties and devise an acceptable plan for the separation of forces. Such a plan would contribute to improving the situation on the ground by stabilizing the ceasefire and creating better conditions for the African Union monitors to carry out their work. It will also create a climate more conducive to negotiating a peaceful resolution to the conflict in Darfur.

VII. African Union Mission in the Sudan

40. AMIS is operating at nearly its full mandated military strength, and has been effective where it has been able to deploy. The total uniformed strength of the Mission now stands at 2,259 out of an authorized strength of 3,156. The balance consists of the remaining civilian police officers and military and civilian headquarters staff, whose deployment dates are not yet determined. The Mission is awaiting the arrival of military personnel from Chad, who would constitute the last major deployment for the AMIS protection force. The total number of military observers on the ground is now 440, broken down as follows: African Union, 362; Chadian mediation, 18; Sudanese parties, 46; partners, 14. Deployment of civilian police continues to lag. Only 170 officers have deployed in the mission area out of a total mandated strength of 815. In seeking to deploy the balance of the AMIS civilian police component, the African Union is focusing on the recruitment of

female police officers in recognition of the fact that most protection concerns in Darfur relate to the plight of women and children.

41. Despite the performance of AMIS to date, continued violence and suffering make it clear that more must be done. From 10 to 22 March, the African Union led an assessment in the region to identify steps to strengthen peacekeeping in Darfur. The United Nations, the United States of America and the European Union participated in the assessment as partners of the African Union. I am studying the report on the assessment mission and have been in direct contact with the Chairman of the African Union Commission, Alpha Oumar Konaré, on actions that can be taken, as a matter of urgency, to improve security and protection in Darfur.

VIII. Observations

42. Overall, the security situation in Darfur in March saw no improvement in relation to the previous month. While attacks on civilian populations decreased marginally and the Government continued its redeployment of troops from Gereida to Nyala, these positive steps were overshadowed by the increased military activity undertaken by all parties and attacks against international personnel.

43. The Government continues to pursue the military option on the ground with little apparent regard for the commitments it has entered into. Notwithstanding announcements of the arrest by the Government of individuals alleged to have been involved in committing crimes in Darfur, reports continue to be received that Government forces operate jointly with armed tribal militias or, at the least, that both operate in the same area at the same time and towards the same general goals.

44. The leadership of the Government, SLM/A and JEM have reiterated their readiness to find a political solution to the crisis, while also asserting that the security situation on the ground does not permit them to return to the negotiating table. I repeat my call upon all parties to adhere to both the letter and the spirit of the Humanitarian Ceasefire Agreement of 8 April 2004, the Abuja Protocols of November 2004, and Security Council resolutions 1556 (2004), 1564 (2004), 1574 (2004), 1590 (2005), 1591 (2005) and 1593 (2005). The killing of civilians and combatants alike must stop and a genuine ceasefire must be observed.

45. At the same time, the Government of the Sudan should ensure that the police and other relevant officials in Darfur fulfil their primary responsibility to protect civilians and that police and other officials who fail to do so are appropriately disciplined. The Government must also respect the role of the African Union Mission in the Sudan and of the humanitarian workers who are providing assistance to Sudanese civilians in need, most of whom are women and girls. Baseless detention of humanitarian workers is unacceptable. The Government of the Sudan must take immediate steps to ensure that its State government and law enforcement leaders in Southern Darfur comply with international and Sudanese law and with the commitments it has made to facilitate humanitarian assistance.

46. The African Union Peace and Security Council will meet on 21 and 22 April to decide on steps to strengthen the capabilities of AMIS, based on the report of the African Union-led assessment to Darfur. The international community, and donors to AMIS in particular, must take urgent action to assist the African Union in translating those decisions into concrete results on the ground. African Union

member States must also be forthcoming in providing the needed military, police and civilian personnel. In the meantime, I have undertaken discussions with Chairman Konaré on practical steps that can be taken to strengthen AMIS. The results of these discussions will be reflected in the report I will submit to the Security Council in accordance with resolution 1590 (2005), by which the Council asked me to submit to it by 24 April a report on how UNMIS can reinforce the effort to foster peace in Darfur through appropriate assistance to AMIS, and to identify ways in liaison with the African Union to utilize UNMIS resources to this end. A stronger and more capable AMIS presence in Darfur will greatly enhance the overall security environment. Better security, in turn, will greatly facilitate the search for a political solution to the conflict.

47. During the reporting period, considerable international attention was given to the Security Council's deliberations on sanctions and accountability mechanisms in relation to Darfur. The Council has taken decision on both matters by adopting resolutions 1591 (2005) and 1593 (2005). Neither resolution is aimed at the people of the Sudan, nor their Government, nor Islam, as some are attempting to allege. They target, through due process, individuals responsible for heinous acts that neither the people of the Sudan nor the rest of the world will tolerate. At the same time, it must be stressed that the only route to peace in Darfur remains a political settlement. I urge the Government, SLM and JEM, with the support of SPLM, to resume negotiations in Abuja as a matter of the highest priority so that they can conclude a lasting agreement.

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Letter dated 11 April 2005 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 28 February 2005 (see annex). I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. The present report covers the period from 1 to 28 February 2005.

2. As at 28 February 2005, the total number of troops in theatre was 16,614, including 2,809 troops from non-NATO countries.

3. There is no change to the status of partner/non-NATO nation contributions.

Security

4. The general situation in Kosovo is improved, although underlying tension remains and will continue in the foreseeable future.

5. Ethnic-related tension remains an underlying concern, although the level of inter-ethnic incidents actually decreased in the reporting month. Five such incidents were reported in February compared with eight in January. The February events included two incidents where Kosovo-Serbs were targeted, one which involved a Kosovar-Albanian, one against a Kosovo-Bosnian and one targeting a Kosovo-Romany.

6. Electrical power failures continue to pose problems and could potentially lead to unrest.

7. There were no reported acts of violence or significant threats against KFOR. Two force protection incidents were reported during February, although this does not entail a change in the assessment of the threat level compared with that of previous months.

8. In terms of organized crime, there was a total of 41 incidents related to the smuggling of drugs and weapons and other smuggling activities in February 2005. This is an increase over the number of such incidents in January, when there were 13.

9. KFOR continues operations to prevent ethnic violence and protect patrimonial sites and remains vigilant to deter possible threats directed against international organizations and military bases. The NATO force continues to improve its crowd and riot control capabilities in order to be better prepared to counter a resurgence of violence.

Compliance by the Army of Serbia and Montenegro and the Ministry of Internal Affairs Special Police

10. No breaches of the Military Technical Agreement were reported during February 2005.

Kosovo Protection Corps

11. The current membership of KPC is 3,020 active members, including 130 members of ethnic minorities, of whom 20 are Serbs. The reserve personnel establishment list includes 1,809 members, of whom 17 are from ethnic minorities. Minority representation decreased from 4.75 per cent in January to 4.30 per cent in February 2005. Task Force 8 is working to recruit members of ethnic minorities

with the aim of fulfilling recommendations. With reference to retention of ethnic minority members within KPC, preliminary results show that the main reasons for their leaving are low salaries, poor infrastructure, lack of clarity on the role of KPC and intimidation from within their own communities.

12. During February 2005, the Multinational Brigades carried out 68 roll calls. The percentage of personnel absent without permission increased from 0.99 per cent in January 2005 to 1.26 per cent during the reporting period.

13. Due to rotations within KPC, six applications for weapons authorization cards (for bodyguards) were drafted by KPC. The required background checking procedure is ongoing in close cooperation with United Nations Interim Administration Mission in Kosovo police.

14. Regular training activities were conducted during the reporting period in accordance with the annual plan. Emergency readiness training working group meetings are taking place. The purpose of the working group meetings is to standardize emergency readiness training practice within the KFOR area of responsibility. KPC members of each pick-up zone will receive specialized occupational training at each Multinational Brigade.

Conclusion

15. The situation in Kosovo is improved but fragile, with continuing underlying tension.

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Agenda item 36
The situation in the Middle East

Security Council
Sixtieth year

Letter dated 12 April 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations to the Secretary-General

On instructions from my Government, I transmit to you herewith two statistical tables showing the Israeli violations of Lebanese sovereignty which occurred, respectively, during February and March 2005 (see annex).

The acts of aggression are in violation of the relevant Security Council resolutions, the latest of which is resolution 1583 (2005), and go against your repeated calls for their cessation, most recently in your report S/2005/36 of 20 January 2005. Lebanon depends on the United Nations to compel Israel to desist from those violations, which constitute a threat to international peace and security, and holds Israel responsible for any consequences to which those acts may give rise.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 36 and of the Security Council.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires

05-30711 (E) 130405 140405

Annex to the letter dated 12 April 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Statistical table showing Israeli violations of Lebanese sovereignty during February 2005

Air violations				*Sea violations*	*Land violations*			*Total violations*
					Military acts of aggression	*Field violations*	*Breaches*	
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and fire-bombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important centres, attacks on and killing of civilians	Gunfire, shooting of flares, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting-up of installations inside Lebanese territory	
11	35	2	48	13	-	8	2	71

Statistical table showing Israeli violations of Lebanese sovereignty during March 2005

Air violations				*Sea violations*	*Land violations*			*Total violations*
					Military acts of aggression	*Field violations*	*Breaches*	
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and fire-bombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important centres, attacks on and killing of civilians	Gunfire, shooting of flares, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting-up of installations inside Lebanese territory	
14	67	5	86	10	-	7	1	104

United Nations S/2005/243

Security Council

Distr.: General
13 April 2005

Original: English

Letter dated 13 April 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 11 April 2005, which I received from the Director General of the International Atomic Energy Agency (see annex). I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-30743 (E) 140405

Annex

Letter dated 11 April 2005 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

In paragraph 16 of Security Council resolution 1051 (1996), the Director General of the International Atomic Energy Agency (IAEA) is requested to submit consolidated progress reports every six months to the Council, commencing 11 April 1996,[1] on the IAEA verification activities in Iraq pursuant to paragraphs 12 and 13 of Security Council resolution 687 (1991) and related resolutions.

Since 17 March 2003, IAEA has not been in a position to implement its mandate in Iraq under resolution 687 (1991) and related resolutions. Given the adoption of resolution 1546 (2004) by the Security Council, the IAEA mandate pursuant to those resolutions remains valid until the Council decides otherwise. Subject to Security Council guidance and the prevailing security situation, IAEA stands ready to resume Security Council-mandated verification activities in Iraq. IAEA maintains a core team with the necessary competence required for the fulfilment of this mandate.

During the period covered by the present report, IAEA has continued to consolidate, restructure and further analyse the information collected by it since 1991, with the objectives of identifying lessons learned, securing data in paper and electronic archives for improved future access and maintenance of knowledge, and developing strategies for future Security Council-mandated nuclear verification in Iraq, should the Council direct the Agency to do so.

The origin of the information obtained with respect to Iraq during the period covered by this report remained principally open sources (for example, commercial satellite imagery of facilities and sites formerly monitored under the IAEA ongoing monitoring and verification plan). Since March 2003, satellite imagery for 141 of the 175 locations identified by IAEA as primary sites (sites that formerly contributed to Iraq's clandestine programme or had technical capabilities of some

[1] The previous consolidated reports of the Director General of the International Atomic Energy Agency were circulated as documents S/1996/261 of 11 April 1996, S/1996/833 of 7 October 1996, S/1997/297 of 11 April 1997, S/1997/779 of 8 October 1997, S/1998/312 of 9 April 1998, S/1998/927 of 7 October 1998, S/1999/393 of 7 April 1999, S/1999/1035 of 7 October 1999, S/2000/300 of 11 April 2000, S/2000/983 of 11 October 2000, S/2001/337 of 6 April 2001, S/2001/945 of 5 October 2001, S/2002/367 of 16 April 2002, S/2002/1150 of 16 October 2002, S/2003/422 of 14 April 2003, S/2003/993 of 14 October 2003, S/2004/285 of 13 April 2004, and S/2004/786 of 1 October 2004. Document S/1998/694, dated 27 July 1998, contained the text of an interim status report provided in response to the Security Council presidential statement dated 14 May 1998 (S/PRST/1998/11). Document S/1999/127, dated 9 February 1999, contained the text of an interim status report provided in response to the note by the President of the Security Council dated 30 January 1999 (S/1999/100). Following the resumption of the Security Council-mandated activities of IAEA in Iraq in November 2002, the Council requested several updates. IAEA provided these updates in the form of a report (S/2003/95, dated 27 January 2003) and oral statements to the Security Council by the Director General (on 19 December 2002, 9 and 27 January 2003, 14 February 2003 and 7 March 2003). Finally, the work programme of the International Atomic Energy Agency in Iraq pursuant to Security Council resolution 1284 (1999) was provided to the Security Council on 20 March 2003 (S/2003/342).

value for the resumption of a nuclear programme) has been reviewed and assessed with a view to detecting and cataloguing changes that have occurred to the infrastructures of those sites. This assessment has revealed significant dismantling and removal activities at 37 of the most capable sites since March 2003. In the course of this assessment, IAEA also focused on areas where destroyed equipment from the former nuclear programme had been stored or discarded. Satellite imagery has indicated that at least one site containing buried contaminated rubble has been extensively excavated.[2] The above assessments, however, need to be followed up through verification in Iraq in order for the Agency to draw conclusions.

Pursuant to the ongoing monitoring and verification plan, Iraq is required to declare semi-annually changes that have occurred or are foreseen at sites deemed relevant by the Agency. In this regard, as reported in my letter of 25 October 2004 (S/2004/831), IAEA was informed by the Iraqi authorities about the loss of high explosives that had been subject to IAEA monitoring. To date, IAEA has received no additional information that could shed light on this matter.

States are reminded that both Iraq and States that either export to or import from Iraq items listed in annex 3 of the IAEA ongoing monitoring and verification plan (see S/2001/561) are required to report the export or import in accordance with the export/import monitoring mechanism approved by the Security Council in resolution 1051 (1996). More generally, all States are urged to inform the Agency about matters relevant to the Agency's mandate in connection with Iraq.

I should be grateful if you would arrange for the present letter to be distributed as a document of the Security Council.

(*Signed*) Mohamed **ElBaradei**

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[2] At the request of the Iraqi authorities, IAEA, using its knowledge of certain facilities and other relevant locations, has compiled information to assist Iraq in its planning for future clean-up activities.

United Nations A/ES-10/300–S/2005/244

General Assembly
Security Council

Distr.: General
18 April 2005

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 15 April 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As it persists in waging its military campaign in the Occupied Palestinian Territory, including East Jerusalem, Israel, the occupying Power, continues to commit extrajudicial killings of Palestinian civilians in grave breach of international law, including international humanitarian law, and in deliberate violation of the truce reached in Sharm El-Sheikh on 8 February 2005. The continuation by Israel, the occupying Power, of its illegal policies and practices against the Palestinian people under its occupation, including its unlawful practice of extrajudicial killings, continues to seriously undermine the understandings reached between the two parties aimed at calming the situation on the ground and reviving the peace process.

Yesterday, Thursday, 14 April 2005, the Israeli occupying forces shot and killed Mr. Ibrahim Hashash El-Sumari in the Balata refugee camp in the city of Nablus. Israeli occupying forces, dressed in civilian clothes, entered Balata refugee camp and directly fired at close range at Mr. El-Sumari. Mr. El-Sumari did not die immediately and was taken by the occupying Power to an Israeli military base in the southern part of the city of Nablus. Shortly after, the Israeli occupying forces declared El-Sumari dead. Upon hospital examination, the Palestinian Red Crescent confirmed that El-Sumari had been shot multiple times with three bullets in his chest.

The Palestinian leadership holds Israel, the occupying Power, fully responsible for the consequences of such unlawful and illegal acts taken against the Palestinian civilians under its occupation. We call upon the international community to take measures to address the dangerous situation in the Occupied Palestinian Territory as a result of the ongoing and blatant aggressions being committed by Israel, the occupying Power. Israel must be compelled to cease forthwith its flagrant violations of international law, including the Fourth Geneva Convention, and to abide by all the agreements signed by the two parties.

05-31172 (E) 180405

This letter is in follow-up to our previous 216 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 10 April 2005 (A/ES-10/299-S/2005/237) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that the killing of Mr. Ibrahim Hashash El-Sumari raises the total number of martyrs killed since September 2000 to 3,653.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

United Nations S/2005/245

Security Council

Distr.: General
15 April 2005
English
Original: English and French

Draft resolution

The Security Council,

Recalling its resolutions concerning the Democratic Republic of the Congo, in particular resolutions 1493 of 28 July 2003, 1533 of 12 March 2004, 1552 of 27 July 2004, 1565 of 1 October 2004 and 1592 of 30 March 2005, and *recalling* also the statements by its President concerning the Democratic Republic of the Congo, in particular on 7 December 2004,

Reiterating its serious concern regarding the presence of armed groups and militias in the Eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and in the Ituri district, which perpetuate a climate of insecurity in the whole region,

Welcoming the fact that some of these groups and militias have started to submit an inventory of arms and related materiel in their possession, as well as their location, with a view to their participation in the programmes of disarmament, and *encouraging* those who have not yet done so rapidly to do so,

Expressing its readiness to review the provisions of its resolutions 918 of 17 May 1994, 997 of 9 June 1995 and 1011 of 16 August 1995 in a broader perspective, taking into account the implications of continued instability in the Eastern part of the Democratic Republic of the Congo for peace and security in the Great Lakes Region of Africa,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and *declaring* its determination to continue closely monitoring implementation of the arms embargo imposed by resolution 1493 of 28 July 2003,

Recalling the importance for the Government of National Unity and Transition to implement without delay the integration for which it bears responsibility of the armed forces of the Democratic Republic of the Congo, by continuing to work within the framework of the Joint Commission on Security Sector Reform, and *encouraging* the donor community to provide coordinated financial and technical assistance for this task,

Commending the efforts made by the Secretary-General, the African Union and other actors concerned to restore peace and security in the Democratic Republic of the Congo and *welcoming in this regard* the Declaration adopted in Dar es Salaam on 20 November 2004 at the conclusion of the first summit of the

International Conference on Peace, Security, Democracy and Development in the Great Lakes Region of Africa,

Taking note of the reports of the Group of Experts established by paragraph 10 of resolution 1533, dated 15 July 2004 (S/2004/551) and 25 January 2005 (S/2005/30), transmitted by the Committee established in accordance with paragraph 8 of that resolution (hereafter the Committee), and of their recommendations,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the measures established by paragraph 20 of resolution 1493, dated 28 July 2003, and extended until 31 July 2005 by resolution 1552, dated 27 July 2004, *decides* that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo, and *reiterates* that assistance includes financing and financial assistance related to military activities;

2. *Decides* that the measures above shall not apply to:

(a) Supplies of arms and related materiel or technical training and assistance intended solely for support of or use by units of the army and police of the Democratic Republic of the Congo, provided that the said units:

– have completed the process of their integration, or

– operate under the command, respectively, of the état-major intégré of the Armed Forces or of the National Police of the Democratic Republic of the Congo, or

– are in the process of their integration, in the territory of the Democratic Republic of the Congo outside the provinces of North and South Kivu and the Ituri district,

(b) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

(c) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 8 (c) of resolution 1533;

3. *Requests* MONUC, within its existing capabilities and without prejudice to the performance of its current mandate, and the Group of Experts referred to in paragraph 21 below to continue to focus their monitoring activities in North and South Kivu and in Ituri;

4. *Decides* that all future authorized shipments of arms and related materiel consistent with such exemptions noted in paragraph 2 (a) above shall only be made to receiving sites as designated by the Government of National Unity and Transition, in coordination with MONUC, and notified in advance to the Committee;

5. *Demands* that all parties other than those referred to in paragraph 2 (a) above with military capabilities in Ituri, in North Kivu or in South Kivu, help the

Government of National Unity and Transition implement its commitments regarding disarmament, demobilization and reintegration of foreign and Congolese combatants, and regarding security sector reform;

6. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

– To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licences of pilots,

– To prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organization, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee, and to maintain such prohibition until the Committee is informed by States or by the Group of Experts that these aircraft meet the said conditions and standards set forth in Chapter V of the Chicago Convention and determines that they will not be used for a purpose inconsistent with the resolutions of the Security Council,

– To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 above;

7. *Further decides* that each government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, shall maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories;

8. *Calls upon* the Government of National Unity and Transition to strengthen the monitoring of the activity of all airports and airfields, in particular those located in Ituri and in the Kivus, to ensure in particular that only customs airports are used for international air service, and *requests* MONUC, in airports and airfields where it has a permanent presence, to cooperate within its existing capability with the competent Congolese authorities, with a view to enhancing the capability of those authorities to monitor and control the use of airports;

9. *Recommends* in this context to States in the region, and in particular to those parties to the Declaration adopted in Dar es Salaam on 20 November 2004, to promote regional cooperation in the field of air traffic control;

10. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, the Government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:

– To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States,

– To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1 above, and notify MONUC of such actions,

and *requests* MONUC and the United Nations Operation in Burundi (ONUB), in accordance with their respective mandates, to provide assistance to this end, where they have a permanent presence, to the competent customs authorities of the Democratic Republic of the Congo and of Burundi;

11. *Reiterates its call* upon the international community, in particular the specialized international organizations concerned, notably the International Civil Aviation Organization and the World Customs Organization, to provide financial and technical assistance to the Government of National Unity and Transition with a view to helping it exercise effective control over its borders and its airspace, and *invites in this regard* the International Monetary Fund and the World Bank to provide assistance with a view to evaluating and improving the performance and enhancing the capacity of the Customs of the Democratic Republic of the Congo;

12. *Urges* all States to conduct inquiries into the activities of their nationals who operate or are associated with the operation of aircraft or other means of transport such as those referred to in paragraphs 6 and 10 above used for the transfer of arms or related materiel in violation of the measures imposed by paragraph 1 above, and if necessary to institute the appropriate legal proceedings against them;

13. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

14. *Decides* that the measures imposed by the previous paragraph shall not apply where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the Council's resolutions, that is peace and national reconciliation in the Democratic Republic of the Congo and stability in the region;

15. *Decides* that all States shall, during the period of enforcement of the measures referred to in paragraph 1 above, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution, which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13 above, or that are held by entities or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and *decides further* that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;

16. *Decides* that the provisions of the previous paragraph do not apply to funds, other financial assets and economic resources that:

(a) have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and

medical treatment, taxes, insurance premiums, and public utility charges, or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within four working days of such notification,

(b) have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee, or

(c) have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 15 above, and has been notified by the relevant States to the Committee;

17. *Decides* that, no later than 31 July 2005, it shall review the measures set forth in paragraphs 1, 6, 10, 13 and 15 above, in the light of progress accomplished in the peace and transition process in the Democratic Republic of the Congo, in particular with regard to the integration of the Armed Forces and of the National Police;

18. *Decides* that the Committee shall undertake, in addition to the tasks listed in paragraph 8 of resolution 1533, those hereafter:

(a) to designate persons and entities with respect to the measures set forth in paragraphs 6, 10, 13 and 15 above, including aircraft and airlines, and regularly to update its list,

(b) to seek from all States concerned, and particularly those in the region, information regarding the actions taken by them to enforce the measures imposed by paragraphs 1, 6, 10, 13 and 15 above, and any further information it may consider useful, including by providing all States with an opportunity to send representatives to meet the Committee to discuss in more detail any relevant issues,

(c) to call upon all States concerned, and particularly those in the region, to provide the Committee with information regarding the actions taken by them to investigate and prosecute as appropriate individuals designated by the Committee pursuant to subparagraph (a) above,

(d) to consider and decide on requests for the exemptions set out in paragraphs 14 and 16 above,

(e) to promulgate guidelines as may be necessary to facilitate the implementation of paragraphs 6, 10, 13 and 15 above;

19. *Demands* that all parties and all States cooperate fully with the work of the Group of Experts referred to in paragraph 21 below and of MONUC, and that they ensure:

– the safety of their members,

– unhindered and immediate access for the members of the Group of Experts, in particular by supplying them with any information on possible violations of the measures taken by Member States in accordance with paragraphs 1, 6, 10, 13 and 15 above, and by facilitating access of the Group of Experts to persons, documents and sites it deems relevant to the execution of its mandate;

20. *Requests* all States concerned, in particular those in the region, to report to the Committee, within forty-five days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 6, 10, 13 and 15 above, and *authorizes* the Committee thereafter to request from all Member States any information it may consider necessary to fulfil its mandate;

21. *Requests* the Secretary-General, in consultation with the Committee, to re-establish, within thirty days from the date of adoption of this resolution, and for a period expiring on 31 July 2005, the Group of Experts referred to in paragraph 10 of resolution 1533 with the addition of a fifth expert for financial issues, and requests further that the Secretary-General provide the Group of Experts with the necessary resources to fulfil its mandate;

22. *Requests* the Group of Experts above to report to the Council in writing before 1 July 2005, through the Committee, including on the implementation of the measures set forth in paragraphs 1, 6, 10, 13 and 15 above;

23. *Decides* to remain seized of the matter.

United Nations S/2005/246

Security Council

Distr.: General
14 April 2005
English
Original: French

Letter dated 4 April 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the presidential pardon for political prisoners in Azerbaijan, issued on 30 March 2005 by the Presidency on behalf of the European Union (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean-Marc **Hoscheit**
Permanent Representative of Luxembourg
to the United Nations

05-30889 (E) 180405 180405

Annex to the letter dated 4 April 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the presidential pardon for political prisoners in Azerbaijan, issued on 30 March 2005 by the Presidency on behalf of the European Union

The European Union welcomes the decree signed on 20 March 2005 by President Aliev of Azerbaijan pardoning 115 prisoners, 53 of whom were designated "political prisoners" by Council of Europe experts. The European Union welcomes the fact that the political leaders imprisoned following the events of October 2003 have been freed.

Azerbaijan has thus taken a further step towards meeting its obligations to the Council of Europe.

However, the European Union remains concerned about the situation of those political prisoners still in custody, and calls on the Azeri Government to release them without delay and to fulfil its undertakings to the Council of Europe and the Organization for Security and Cooperation in Europe.

The acceding countries Bulgaria and Romania, the candidate country Croatia,* the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

United Nations S/2005/247

Security Council

Distr.: General
14 April 2005
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Original: French

Letter dated 4 April 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the situation in Kyrgyzstan issued on 30 March 2005 by the Presidency on behalf of the European Union (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean-Marc **Hoscheit**
Permanent Representative of Luxembourg to the United Nations

05-30895 (E) 180405 180405

Annex to the letter dated 4 April 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the situation in Kyrgyzstan issued on 30 March 2005 by the Presidency on behalf of the European Union

The European Union is closely following developments in the situation in Kyrgyzstan in close contact with the Organization for Security and Cooperation in Europe. The European Union has taken note of the resignation of the Kyrgyz Prime Minister Tanayev and of his government.

It urgently appeals to the newly appointed leaders to restore public order as soon as possible, to start a dialogue with all political forces involved and to implement a policy of national reconciliation, in the long-term interests of stability and prosperity in Kyrgyzstan. The European Union takes note of the Kyrgyz parliament's decision to organize presidential elections within the next three months and parliamentary elections within six months.

The European Union urges the new Kyrgyz leaders to act with full respect for democratic values and human rights. The European Union calls on the new leaders to take all necessary measures to guarantee security and stability in the country. The European Union is willing to cooperate with them in this context and to support the efforts of OSCE to achieve this goal.

The acceding countries Bulgaria and Romania, the candidate countries, Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.